

Calendar No. 1833

82D CONGRESS
2d Session

SENATE

REPORT
No. 1886

FUMIKO ITO STEWART

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2332]

The Committee on the Judiciary, to which was referred the bill (S. 2332) for the relief of Fumiko Ito Stewart, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the racial barrier to admission into the United States in behalf of the Japanese wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 31-year-old native and citizen of Japan who was married on April 6, 1951, to Theodore M. Stewart, a United States citizen presently in Japan in a civilian capacity with the Navy Department.

A letter, with attached memorandum, dated May 7, 1952, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

MAY 7, 1952.

HON. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 2332) for the relief of Fumiko Ito Stewart, an alien. The bill would authorize the admission of the alien into the United States for permanent residence, notwithstanding her racial ineligibility for naturalization.

There is forwarded herewith a report prepared by the Immigration and Naturalization Service of this Department setting forth the facts in the case.

The alien is racially ineligible for United States citizenship under the provisions of section 303 of the Nationality Act of 1940 and is, therefore, inadmissible for permanent residence under section 13 (c) of the Immigration Act of 1924, as amended. The racial restrictions on immigration are uniformly applicable to all except certain specified races and should be removed by general legislation rather than by special legislation in individual cases. The record in the instant case fails to present any factors which would justify granting the alien admission through the medium of special legislation.

Accordingly, the Department of Justice is unable to recommend the enactment of the measure.

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILE RE: FUMIKO ITO STEWART, BENEFICIARY OF S. 2332

Mrs. Fumiko Ito Stewart, a native and citizen of Japan, is approximately 31 years of age. She resides in Japan, never having entered the United States. According to information furnished by Mr. Theodore M. Stewart, a citizen of the United States, to whom the beneficiary of the bill was married on April 6, 1951, she speaks English and had formerly been employed by the United States occupational forces in Japan.

Mr. Stewart was born in Longmont, Colo., on August 2, 1896. His first marriage in 1925 was terminated by the death of his wife in 1933. There were three children born of this marriage, who according to relatives receive no parental care from their father. Mr. Stewart remarried in 1943 a widow with a 13-year-old child. He left the United States in 1945 in connection with his employment with the Department of the Navy. His second wife, who resides in the United States, received an allotment of \$100 a month from him through the Department of the Navy until November 1951, when she was advised by that Department that Mr. Stewart had obtained a Mexican divorce. Mrs. Stewart states that she had no prior knowledge of the divorce proceedings. There is nothing further contained in the files with respect to the validity of the divorce.

Senator Eugene Millikin, the author of the bill, has submitted the following information in connection with the bill:

UNITED STATES SENATE,
January 4, 1952.

Hon. PAT McCARRAN,
Chairman Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR McCARRAN: With reference to your letter of December 4, 1951, concerning S. 2332, a bill for the relief of Fumiko Ito Stewart, the following responses are directed to your numbered inquiries:

(1) Fumiko Ito Stewart is a Japanese national married to an American citizen presently employed by the Military Sea Transportation Service as a civilian in Japan. Her husband has been in Japan for approximately 5 years and is desirous of returning to the United States and wishes to have his wife accompany him. Her husband, Theodore M. Stewart, was born in Longmont, Colo., on August 2, 1896. He entered into an Army employment agreement on October 1, 1949, the obligations of which were assumed by MSTs, a Navy agency, at the time he entered into the employment of the latter agency. Under this agreement Mr. Stewart is free to return to the United States at any time he may choose.

Fumiko Ito Stewart and her husband, Theodore M. Stewart, were married at the American vice consulate in Yokohama, on April 6, 1951, in the presence of an American vice consul, who has certified to the same. The marriage was approved by appropriate officials and logistic support was granted.

(2) Fumiko Ito Stewart is at present a housewife. She has been attending the Red Cross Brides School on Americanism and Western Life. She has a certificate of qualification in the English language from the Japanese Ministry of Telecommunications.

(3) As noted above, Fumiko Ito Stewart is not at present employed. Her husband, Theodore M. Stewart, is employed as a procurement officer, GS-11, by the Military Sea Transportation Service of the United States Department of the

Navy. From October 1946 to November 1, 1950, Fumiko Ito Stewart was employed as a switchboard operator at the headquarters of the Kobe Base. She bears an excellent recommendation from her superiors at the base.

(4) I am unaware of any derogatory information which would indicate that Fumiko Ito Stewart is engaged in any activities, political or otherwise, injurious to the American public interest. I am advised that Mrs. Stewart's father is an operator of movie houses who has been a businessman all of his adult life.

(5) According to my information, Fumiko Ito Stewart has never been convicted of an offense under any Federal or State law.

With very best regards, I am

Sincerely,

EUGENE D. MILLIKIN.

UNITED STATES SENATE

June 11, 1952.

Hon. PAT McCARRAN,
*Chairman Senate Judiciary Committee,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in further reference to S. 2332, a bill for the relief of Fumiko Ito Stewart.

It is my understanding that Mr. Stewart's previous marital status was investigated by the Far East Command prior to granting permission to marry. Evidence has been provided to me indicating that the matter also was investigated when Mr. Stewart requested cancellation of his allotment to his former wife.

According to my information, Mr. Stewart obtained a divorce from his previous (and second) wife on ground of separation for over 1 year following her disappearance from Oakland, Calif.—then their home—without Mr. Stewart's knowledge and before Mr. Stewart could arrange to bring her to Japan. I am told that his former wife was advised of the divorce proceeding and was provided with a copy of the decree.

Without presuming to pass on the jurisdiction of the court issuing Mr. Stewart's decree of divorce, it should be noted that S. 2322 would waive only the racial bar of section 13 (c) of the Immigration Act of 1924, as amended, and Mrs. Stewart's petition for admission in non-quota status would have to establish her marital status to qualify under section 4 (a), as the wife of an American citizen.

With very best regards, I am

Sincerely,

EUGENE D. MILLIKIN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2332) should be enacted.

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March 1 and October 1847 to November 1, 1847. During the summer was not present at the residence of the President in the White House, and the President's personal affairs were not under his supervision at the time.

It is a matter of public knowledge that during the summer of 1847, the President was not present at the residence of the President in the White House, and the President's personal affairs were not under his supervision at the time.

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Respectfully,
George D. Miller

United States Senate
June 11, 1847

Hon. J. A. Andrew
Chairman, Joint Committee
United States Senate, Washington, D. C.

Dear Sir: I have the honor to acknowledge the receipt of your letter of the 10th inst.

relative to the bill for the relief of John A. Andrew, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,
George D. Miller

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